

## **REMARKS**

### **I. Status and Disposition of the Claims**

In the instant application, claims 1-20, 36, 40, 60, and 61 are canceled, claims 42-59, and 62-63 are withdrawn and claims 21-35, 37-39, and 41 are pending and under consideration on the merits. Of the pending claims, claims 21 and 37 have been amended by this amendment.

In the Office Action mailed August 31, 2010, (hereafter "Office Action")<sup>1</sup>, the following actions were taken:

- 1) claims 21-23, 26-27, 29, 32-33, 36-39 and 41 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,659,616 to Sudia et al. (hereafter "Sudia"), in view of U.S. Patent No. 5,544,322 to Cheng et al. (hereafter "Cheng"), and further in view of U.S. Patent Application Publication No. 2003/0144884 to Mayaud et al. (hereafter "Mayaud") (Office Action at 3);
- 2) claims 24-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sudia in view of Cheng and Mayaud, and further in view of U.S. Patent No. 5,956,408 to Arnold (hereafter "Arnold") (*Id.* at 8);
- 3) claim 28 was rejected under 35 U.S.C. §103(a) as being unpatentable over Sudia in view of Cheng and Mayaud, and further in view of U.S. Patent No. 5,537,618 to Boulton et al. (hereafter "Boulton") (*Id.* at 9);
- 4) claim 30 was rejected under 35 U.S.C. §103(a) as being unpatentable over Sudia in view of Cheng and Mayaud, and further in view of U.S. Patent No. 5,677,955 to Doggett et al. (hereafter "Doggett") (*Id.*);
- 5) claim 31 was rejected under 35 U.S.C. §103(a) as being unpatentable over Sudia in view of Cheng, Mayaud, and Doggett, and further in view of U.S. Patent No. 5,724,424 to Gifford (hereafter "Gifford") (*Id.* at 10); and
- 6) claims 34-35 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sudia in view of Cheng and Mayaud, and further in

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

view of U.S. Patent No. 5,978,567 to Rebane et al. (hereafter "Rebane")  
(*Id.* at 11).

## **II. Amendments to the Claims**

Independent claim 21 has been amended to recite, in relevant part:

determining, by the first electronic appliance, based at least in part on the first digital certificate, whether the user is authorized to access the online service,  
the online service comprising a subscription;

(Emphases added). Support for this amendment may be found at least in Applicant's Specification at pg. 283, lines 8-16. Accordingly, no new matter has been introduced by this amendment.

## **III. Claim Rejections under 35 U.S.C. §103(a)**

In the Office Action, claims 21-23, 26-27, 29, 32-33, 36-39 and 41 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sudia in view of Cheng, and further in view of Mayaud. Applicants respectfully traverse these claim rejections.

Independent claim 21, as amended, is directed to a method and recites, among other acts,

determining, by the first electronic appliance, based at least in part on the first digital certificate, whether the user is authorized to access the online service,  
the online service comprising a subscription;

...  
collecting, by the first electronic appliance, audit record information  
relating to the user's use of the online service.

(Emphasis added). Sudia, Cheng, and Mayaud, alone or in combination, do not teach or suggest at least the determining and collecting acts of amended claim 21.

Citing Sudia at col. 9, lines 36-40, the Examiner contends that Sudia discloses "determining, by the first electronic appliance ... whether the user is authorized to access the online service." Office Action at 4. Moreover, the Examiner also contends

that Sudia at col. 7, lines 37-38 discloses “the online service comprises a subscription.”

*Id.* at 7-8. Even if the Examiner were correct in contending that Sudia discloses “determining, by the first electronic appliance ... whether the user is authorized to access the online service,” which Applicants do not concede, Sudia does not disclose “determining, by the first electronic appliance ... whether the user is authorized to access the online service, the online service comprising a subscription,” as recited in amended claim 21. Sudia at col. 7, lines 37-38 discloses encoding “information regarding a CA’s security policy into the attribute certificates of the CA and its subscribers.” This does not teach or suggest an online service comprising a subscription at least because Sudia’s “CA” is not offered as an online service.

Moreover, neither Sudia as a whole, nor any combination of Sudia, Cheng, and Mayaud teaches or suggests “determining, by the first electronic appliance, based at least in part on the first digital certificate, whether the user is authorized to access the online service, the online service comprising a subscription,” as recited in amended claim 21.

Further, citing Sudia at fig. 12 and col. 13, lines 9-10, and Mayaud at paras. [0001] and [0142], the Examiner contends that these references teach “collecting, by the first electronic appliance, audit record information relating to the user’s use of the online service,” as recited in claim 21. Office Action at 4 and 6. But as shown above, Sudia fails to teach or suggest the “online service” as recited in amended claim 21, namely, “the online service comprising a subscription.” Mayaud at paras. [0001] and [0142], and indeed Mayaud in general, fails to cure this deficiency of Sudia. Mayaud at para. [0142] refers to “automatically maintaining a complete audit trail of access to patient data.” Even if the Examiner is correct in contending that this disclosure teaches “audit record information” (Office Action at 6), which Applicants do not concede, no

combination of the cited references teaches or suggests “collecting, by the first electronic appliance, audit record information relating to the user’s use of the online service,” at least because they fail to teach the feature “online service comprising a subscription,” as additionally recited in amended claim 21.

For at least the above reasons, Sudia, Cheng, and Mayaud, alone or in combination, do not teach or disclose at least (1) “determining, by the first electronic appliance, based at least in part on the first digital certificate, whether the user is authorized to access the online service, the online service comprising a subscription,” and (2) “collecting, by the first electronic appliance, audit record information relating to the user’s use of the online service,” as recited in amended claim 21. Accordingly, Sudia, Cheng, and Mayaud fail to render obvious Applicants’ amended claim 21. Dependent claims 22-23, 26-27, 29, 32-33, 37-39 and 41 are also patentable over Sudia, Cheng, and Mayaud at least by virtue of their dependence from independent claim 21. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 21-23, 26-27, 29, 32-33, 37-39 and 41 under 35 U.S.C. § 103(a).

Further, to reject claims 24-25 under 35 U.S.C. § 103(a), the Office Action added Arnold to the combination of Sudia, Cheng, and Mayaud. See Office Action at 8. Likewise, claim 28 was rejected over Sudia, Cheng, Mayaud and Boulton; claim 30 was rejected over Sudia, Cheng, Mayaud and Doggett; and claims 34-35 were rejected over Sudia, Cheng, Mayaud and Rebane. *Id.* at 9-11. Lastly, claim 31 was rejected over Sudia, Cheng, Mayaud, Doggett, and Gifford. *Id.* at 10.

Claims 24-25, 28, 30, 31, and 34-35 depend from independent claim 21 and, as previously explained, no combination of Sudia, Cheng, and Mayaud teaches or suggests (1) “determining, by the first electronic appliance, based at least in part on the

first digital certificate, whether the user is authorized to access the online service, the online service comprising a subscription,” or (2) “collecting, by the first electronic appliance, audit record information relating to the user’s use of the online service,” as recited in amended claim 21.

None of Arnold, Boulton, Doggett, Rebane, or Gifford cures the deficiencies of Sudia, Cheng and Mayaud. Accordingly, claims 24-25, 28, 30, 31, and 34-35 are also patentable over these references at least due to their dependence from claim 21. Consequently, Applicants additionally request that the Examiner withdraw the rejection of claims 24-25, 28, 30, 31, and 34-35 under 35 U.S.C. § 103(a).

#### **IV. Conclusion**

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this paper and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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